

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
NOVEMBER 4, 2014**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:
Cameron, Cunningham, DiDonna, Olvany, Sini, Jr., Voigt

STAFF ATTENDING: Ginsberg, Keating
RECORDER: Syat
Channel 79

Chairman Cameron opened the meeting at 8 P.M. and read the first agenda item:

GENERAL MEETING

Adoption of 2015 Meeting Schedule/Calendar for Planning & Zoning Commission & Aquifer Protection Agency.

After a brief discussion about the meeting schedules, the following motion was made: That the Planning & Zoning Commission adopt the 2015 meeting schedules for the Planning & Zoning Commission and the Aquifer Protection Agency. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

Chairman Cameron read the following agenda item:

Flood Damage Prevention Application #33-B, Peter & Marilyn Biggins, 230 Old King's Highway North. Proposal to install an elevator within a portion of the deck in the back yard, within a regulated area. The subject property is located on the north side of Old King's Highway North approximately 450 feet east of its intersection with Raymond Street, and is shown on Assessor's Map #32 as Lot #61A in the R-1/2 Zone.

Beth Harrington-Howes explained that the proposal is to add a three level elevator to a rear portion of the house on Old Kings Highway North. She said that the neighbors have reviewed the plans and have all signed off indicating that they have no objection. The lowest portion of the foundation is within the Flood Hazard Zone, thus requiring Planning & Zoning Commission approval.

Mr. Ginsberg explained that the Environmental Protection Commission (EPC) Staff has reviewed the plans and determined that no approval from the EPC is necessary due to the location of the proposed addition. He also noted that the design of the elevator is such that all mechanical equipment will be above the expected Flood Zone and the resting stop for the elevator (when it is not actively in use) is above the Flood Zone so that if there is a flood, the elevator will not be damaged.

After brief discussion, the following motion was made: That the Planning & Zoning Commission approved the requested elevator in accordance with the submitted plans. The motion was made by Mr. Olvany, seconded by Mr. DiDonna and unanimously approved.

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Chairman Cameron read the following agenda item:

Informal discussion regarding potential redevelopment of 1950 Boston Post Road.

Attorney Robert Maslan represented the property owner, John Vaccaro. He was joined by architects Jim and James Schettino. The property is in the Neighborhood Business (NB) Zone and the R-1/2 Zone. The first 100 feet of the property adjacent to the Boston Post Road is in the Neighborhood Business Zone. The rear portion of the property is in the residential zone. There is an old building on the site that has been previously designated as a Protected Town Landmark so that it could legally be used as a business on the ground floor and an apartment on the second floor. The plan is to demolish that old building because it is in disrepair and to construct a new business building on the front portion of the property. That business building would contain approximately 2,300 square feet of retail space on the ground floor and 2 apartments on the second floor. Each apartment on the second floor would be less than 1,000 square feet. There would also be 13 on-site parking spaces in the business zone. To the rear of the business zone, in the residential zone, four additional on-site parking spaces would be located for the residential use and an additional building will be constructed. The ground floor level of the building in the residential zone would contain four parking spaces for the residential tenants of the property and an apartment on the second floor. The apartment on the second floor in the residential zone would contain approximately 1,589 square feet.

Mr. DiDonna noted that the plaque on the existing old building indicated that it was constructed in 1757 and was the Scofield family homestead. He said that removing the existing Protected Town Landmark building would mean that the property is no longer eligible for any waivers or other benefits. Mr. Olvany questioned whether it was appropriate and possible to remove a Protected Town Landmark building. Mr. DiDonna said that according to the Darien Historical Society there are only 8 houses from the 1700s in Darien and only 7 Protected Town Landmark designations.

Attorney Maslan said that the Protected Town Landmark designation allowed the Planning & Zoning Commission to waive certain Zoning Regulations on a case by case basis in order to preserve the old building. He said that the old building is not technically protected from demolition. Mr. DiDonna referred to a Protected Town Landmark on Rings End Road which is included on the Town Seal. He said it was nicely renovated and the Commission was able to approve it because it was a Protected Town Landmark.

Mr. Ginsberg said that if the property were vacant then the residential portion could be used for a residence and parking for the residence, but there would be no commercial development. If the business zone is to be used then commercial retail is allowed on the ground floor and apartments can be located on the second floor of an existing building. Mr. Olvany said that based on 2,248 square feet of proposed first floor retail space, 15 on-site parking spaces will be needed because the requirement is 1 parking space for each 150 square feet of gross floor area. Attorney Maslan noted that if the Town's Incentive Zoning for Affordable Housing is included in the redevelopment of this property, they are allowed a 25% reduction in the number of required on-site parking spaces.

Ms. Cameron said that the mass of the proposed building will be much closer to the sidewalk than the existing old building. She said that she has heard that the old building is not in good shape.

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Mr. Olvany suggested that it might be appropriate to pick up and move the old building on to a new foundation rather than to demolish it. In response to a question, Attorney Maslan said that the retail use on the ground floor might be divided into several smaller shops rather than one large store. Mr. Ginsberg said that he had received a letter from a neighbor and forwarded it to Commission members and to Attorney Maslan. In response to questions, Mr. Keating said that there had been no zoning complaints about this building but there have been numerous complaints about the adjacent building and the fact that the commercial use there has extended into the residential zone.

Mr. Sini questioned whether the Inclusionary Zoning provision would be applicable if there are less than five dwelling units. Attorney Maslan said that in a mixed use zone they would be adding dwelling units. He said that the applicability of the five unit rule applies to subdivisions. Mr. Ginsberg said that he would review that Regulation more closely.

Attorney Maslan said that the Neighborhood Business Zone has a very limited number of uses that are permitted. He said that he was not sure why this property was granted Protected Town Landmark status years ago. It might be due to the building setbacks or the parking location or the garage located within the residential zone. He said that the proposed new building would be commercial in the business zone and residential use on the upper floor and a separate residential only building in the residential zone. Mr. Olvany and Mr. DiDonna expressed concern about knocking down the Protected Town Landmark building and suggested that it could be renovated and if necessary relocated. They questioned the architectural style of the proposed building. Mr. Schettino said that they tried to use similar elements from other buildings in the area. Mr. DiDonna said that he did not feel that the proposed building design was similar. He much preferred preserving the existing building rather than trying to create a new building that did not look like the old building. Mr. Olvany asked Mr. Schettino, the architect, if he had ever tore down a Protected Town Landmark. Mr. Schettino responded that he had not.

There was no decision regarding the matter.

Chairman Cameron read the following agenda item:

Business Site Plan #248, Day Street Development, LLC, 13 Grove Street, CBD Zone.

Request for Le Boudoir, a personal service use, for a 1,250+/- sq. ft. portion of the first floor.

Attorney Amy Zabetakis represented her client and explained the proposed business use. A majority of the floor space would be dedicated to retail operations but a majority of the income is through the services provided to clients. Her purpose of having the item on the agenda this evening is so that the Commission can determine whether or not this is a personal service business use and requires Special Permit approval, or if it is a retail use that would be allowed in accordance with the past approval. Commission members reviewed the submitted information and during the discussion they all concluded that this a personal service business use that is similar to other proposals that have been made for the property. A personal service business will require Special Permit approval and therefore public hearing is necessary before a decision can be made.

There was considerable discussion about the parking requirements for this type of use and Commission members noted that clients are likely to stay for longer than if there was a retail use, thus the parking spaces will be occupied for longer periods of time and there will be less turnover

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of vehicles in the parking lot. Commission members discussed the matter further but concluded that it would not be appropriate to make a decision until after a public hearing is held. They asked the applicant to provide additional information about the maximum utilization of the facility by customers: how many customers and employees would be involved; what would the peak hours of operation be; and other more detailed information. There is a similar store in New Canaan that the Commission members can visit and also the applicant can use that as a model for providing additional information.

Albert Orlando explained that he is the owner and developer of the property. He said that when the original proposal was presented to the Commission, it involved one building but the Commission preferred it to be two smaller buildings, one on the Boston Post Road and the other on Grove Street. He is having considerable difficulty renting the retail space on Grove Street to retail uses because they say they need Boston Post Road frontage. He said that he has many inquiries from spas and exercise studios and hair salons that are willing to take the space but true retail users are not willing to occupy this space. Ms. Cameron noted that there were apartments on the second floor of this building and that there is another half of the ground floor space that is still available for a retail tenant even if this use is eventually approved.

Mr. Ginsberg said that the public hearing for this matter will most likely be conducted on November 25, 2014 and might need to be continued depending on how the discussions go that evening.

Chairman Cameron read the following agenda item:

Business Site Plan #80-C, Patriot Bank, 233 Boston Post Road.

Request to modify Condition H of the Adopted Resolution to allow a performance bond for the required landscaping and plantings.

Mr. Ginsberg explained that the bank is planning on finishing construction and having the building ready to occupy by March 2015. They are concerned that the landscaping will not be able to be installed during the winter weather and have requested a modification of the stipulation that requires completion of the landscaping prior to occupancy. The Commission members all agreed that the staff would be authorized to accept a performance bond regarding the installation of landscaping.

Chairman Cameron read the following agenda item:

Discussion and deliberation and possible decisions on the following:

The following motion was made: That the Planning & Zoning Commission waive the process of reading the draft resolutions aloud because each member has had an opportunity to review them prior to the meeting. The motion was made by Mr. Sini, seconded by Mr. Voigt and unanimously approved.

Subdivision Application #614, Oak Crest Developers, LLC, 56 Maple Street. Proposing to subdivide the existing parcel into two parcels and perform related site development activities.

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Commission members discussed the draft resolution. Mr. Olvany said that he is concerned because the current tax assessor's map shows the property as two separate properties already. If that is the case, the free cut or first split that is proposed cannot take place and then the proposed subdivision cannot take place. Mr. Ginsberg was asked to double check on the status of the parcel. No action was taken.

Chairman Cameron read the following agenda item:

Special Permit Application #249-B, Moon Chun, 172 Heights Road. Proposing to establish a first floor law office in the space formerly occupied by Darien Krav Maga.

Commission members noted that they were willing to approve the office use on the ground floor but want to make sure that the first floor windows will not be blocked off. They want the area to be visually open and inviting. The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Sini, seconded by Mr. Cunningham and all voted in favor except Mr. Voigt who abstained because he had not been present for the public hearing.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 4, 2014**

Application Number: Special Permit Application #249-B

Street Address: 172 Heights Road
Assessor's Map #74 Lot #11-#12

Name and Address of Applicant & and Applicant's Representative:	Moon Chun 89 Borglum Road Wilton, CT 06897
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Name and Address of Property Owner:	Heights Road LLC c/o 89 Borglum Road Wilton, CT 06897
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Activity Being Applied For: Proposing to establish a first floor law office in the space formerly occupied by Darien Krav Maga.

Property Location: The subject property is located on the north side of Heights Road approximately 200 feet east of its intersection with Edgerton Street.

Zone: Designed Commercial (DC) Zone

Date of Public Hearing: October 28, 2014

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Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: October 17 & 24, 2014

Newspaper: Darien News

Date of Action: November 4, 2014

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of

Action: November 14, 2014

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 630 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted application materials, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. This application seeks a Special Permit to establish a first floor law office in the space formerly occupied by Darien Krav Maga. A law office in the Designed Commercial Zone is a Special Permit use pursuant to Section 634e of the regulations, which reads as follows:
 - e. Certain Business and Professional Offices on the first floor provided they are limited to those service types of uses such as real estate, insurance, and securities brokerages; leasing; mortgage banking; banking; travel services and the like, and further provided that the parking ratio for those uses shall be equivalent to that for Commercial Sales and Services.*
2. At the public hearing, the applicant explained how the business will operate. There will be a maximum of one attorney and one or two other employees on-site. Parking is available behind the building. There are no changes proposed to the outside of the building.
3. The Commission believes that due to the nature, intensity, and hours of the use, and the small space of 1,000+/- square feet to be occupied, that there will be no traffic or parking issues.
4. The location and size of the use, the nature and intensity of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.

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5. The location and nature of the proposed use, the size and height of the building are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
6. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
7. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #249-B is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. The Commission finds that the proposed 1,000+/- square foot law office use in this space is in compliance with Section 634e of the Darien Zoning Regulations. An interior floor plan, which shows two offices, a reception area and conference room, was submitted as part of the application materials. That floor plan may be modified as necessary to meet the requirements of the Fire Marshal and Building Official, as long as no additional offices are created within the space.
- B. Because of the fact that all of the proposed work is interior work, the Commission hereby waives the requirement for stormwater management under Sections 888a(3) and 888a(4).
- C. Due to this property's first floor location in the Noroton Heights Designed Commercial Zone, adjacent to retail and personal service uses, the Commission believes that it is important to have a welcoming presence on the first floor. Thus, the Commission hereby requires that the front window not be blocked by blinds, curtains or other coverings, except after-hours. One wall sign for this new business is permitted on the front façade of this portion of the building.
- D. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- E. The granting of this Special Permit approval does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. Review and approval will be needed from the Architectural Review Board (ARB) for any awnings or signage desired.
- F. This permit shall be subject to the provisions of Section 1009 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (November 4, 2015). This may be extended as per Section 1009.

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All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final plan by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this approval, and prior to establishing the law office on-site.

Chairman Cameron read the following agenda item:

Special Permit Application #264-A, Kirby & Company, 1025-1029 Boston Post Road. Proposing to establish a Convenience Food Service use within Kirby & Company, in the first floor space formerly occupied by Swizzles.

Following a brief discussion, the following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Cunningham, seconded by Mr. DiDonna and all voted in favor except Mr. Voigt who abstained because he had not been present for the public hearing.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 4, 2014**

Application Number: Special Permit Application #264-A
Kirby & Company

Street Address: 1025-1029 Boston Post Road
Assessor's Map #73 Lot #13

Name and Address of Applicant R. David Genovese
And Property Owner: Baywater 1025 BPR LLC
 c/o 1019 Boston Post Road
 Darien, CT 06820

Activity Being Applied For: Proposing to establish a Convenience Food Service use within Kirby & Company, in the first floor space formerly occupied by Swizzles.

Property Location: The subject property is located on the north side of Boston Post Road, approximately 40 feet northeast of its intersection with Brook Street.

Zone: CBD Zone

Date of Public Hearing: October 28, 2014

Time and Place: 8:00 P.M. Room 206 Town Hall

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Publication of Hearing Notices

Dates: October 17 & 24, 2014

Newspaper: Darien News

Date of Action: November 4, 2014

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of
Action: November 14, 2014

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 650, 900 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted floor plans and related application materials, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The applicant proposes to establish a Convenience Food Service use within Kirby & Company, in the first floor space formerly occupied by Swizzles. The property is served by public water and sewer, and is located within the CBD Zone in downtown Darien. In the CBD Zone, convenience food service is a Principal Use Requiring a Special Permit pursuant to Section 654b. The proposed space is 1,400+/- square feet, and will have a maximum of eight seats indoors.
2. The applicant noted at the public hearing that no outdoor seating/dining is proposed as part of this application. If the owner or applicant wishes to have outdoor seating/dining in the future, a subsequent application will need to be made to the Commission.
3. The applicant noted that there will be two employees on the largest shift. The submitted application materials note that they will park either behind the building or on other nearby properties owned by affiliates of the property owner which are within walking distance.
4. The Commission's policy regarding convenience food service establishments that cook is to have all fumes and odors minimized. In this case, there is no cooking proposed as part of this application for convenience food service. Any change in the future will require prior approval from the Commission and may require the installation of a kitchen venting and odor control system.

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5. The location and size of the use, the nature of the proposed operations involved in or conducted in connection with it, the size of the site in relation thereto, and the location of the site with respect to streets giving access to it, are such that the application is in harmony with the orderly development of the district in which it is located.
6. The location and nature of the proposed use, is such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
7. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements of Section 1005 (a-g) and will not adversely affect public health, safety and welfare.
8. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.
9. The elements of the Site Plan, submitted as part of the application accomplish the objectives for Site Plan approval as specified in subsections 1024-1025 of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Special Permit Application #264-A is hereby granted subject to the foregoing and following conditions, modifications and understandings:

- A. All construction and related activity shall be in general accordance with the sketch floor plans submitted to and reviewed by the Commission. It is acknowledged that the floor plans may need to be modified to meet any requirements of the Building Official, Fire Marshal and/or the Darien Health Department. In no case shall the amount of customer seating inside the building exceed eight seats without prior review and action by the Planning & Zoning Commission, and the retail sales area shall be a majority of the space. No outside seating is allowed at this time.
- B. Because of this property's location in downtown, and because of the fact that no new impervious surface is created as part of this project, the Commission hereby waives the requirement for stormwater management as part of this application, as authorized by Section 880.
- C. Because of the nature and location of the proposed use, and because of the existing site conditions of this previously developed property, the Commission hereby waives the requirement for a loading zone as authorized by Section 909 of the Darien Zoning Regulations.
- D. Because of this business' specific location within downtown Darien, there is no limit or restriction on the hours of operation of the business.
- E. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.

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- F. The granting of this Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to, final approval from the Darien Fire Marshal and by the Darien Health Department.
- G. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (November 4, 2015). This may be extended as per Sections 1009 and 1028.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. All completed requirements and materials shall be submitted to the Planning and Zoning Department within 60 days of this action or this approval shall become null and void. A Special Permit form shall be filed in the Darien Land Records within sixty days of this approval and prior to the establishment of the convenience food service use aspect of the business, or this permit shall become null and void.

Chairman Cameron read the following agenda item:

Land Filling & Regrading Application #335, Brian Lyons & Nicole Meloy, 1 Walmsley Road.
Proposing to install a new driveway on Walmsley Road; and install a new retaining wall near the south property line with a regraded yard and new plantings; and to perform related site development activities.

The following motion was made: That the Planning & Zoning Commission adopt the following resolution to approve the application subject to the conditions and stipulations as noted. The motion was made by Mr. Olvany, seconded by Mr. Cunningham and all voted in favor except Mr. Voigt who abstained because he had not attended the public hearing.

The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 4, 2014**

Application Number: Land Filling & Regrading Application #335

Street Address: 1 Walmsley Road
Assessor's Map #46 Lot #86

Name and Address of Applicant & Property Owners:	Brian Lyons & Nicole Meloy 1 Walmsley Road Darien, CT 06820
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Name and Address of	Craig Studer
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Applicant's Representative: Studer Design Assoc.
679 Danbury Road
Ridgefield, CT 06877

Activity Being Applied For: Proposing to install a new driveway on Walmsley Road; and install a new retaining wall near the south property line with a regraded yard and new plantings; and to perform related site development activities.

Property Location: The subject property is located on the southeast corner formed by the intersection of Linden Avenue and Walmsley Road.

Zone: R-1/3

Date of Public Hearing: October 28, 2014

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: October 17 & 24, 2014

Newspaper: Darien News

Date of Action: November 4, 2014

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
November 14, 2014

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400, 850, and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The proposal is to install a new driveway on Walmsley Road; and install a new retaining wall near the south property line with a regraded yard and new plantings; and to perform related site development activities. The proposed retaining wall will be three feet high maximum. The existing driveway on Linden Avenue will remain.

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2. The Commission notes that the amount of new impervious surface proposed as part of this application is less than 500 square feet. In this case, the applicant is addressing stormwater management by having the proposed driveway off of Walmsley Road to be made of pervious asphalt with a gravel sub-base.
3. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
4. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling & Regrading Application #335 is hereby approved subject to the foregoing and following conditions, modifications and understandings:

- A. Work shall be in accordance with the plans submitted to and reviewed by the Commission entitled:
 - “Proposed Drive and Retaining Wall Planting & Site Plan Lyons/Meloy Residence 1 Walmsley Road” by Studer Design Associates, Inc., dated September 18, 2014, Sheet LA-1.
 - “Proposed Drive and Retaining Wall Grading, Drainage & Erosion Control Plan Lyons/Meloy Residence 1 Walmsley Road” by Studer Design Associates, Inc., dated September 18, 2014, Sheet LA-2.
- B. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the “Proposed Drive and Retaining Wall Grading, Drainage & Erosion Control Plan” in Condition A, above, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. By January 4, 2015 (within the next 60 days and prior to the start of work on the driveway and the regrading in the yard) a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Planning & Zoning Department. The Drainage Maintenance Plan shall require the property owner and all subsequent property owners of 1 Walmsley Road to maintain the pervious asphalt driveway, and will alert future property owners of the pervious asphalt driveway and the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next 60 days of this approval and prior to the start of any filling or regrading work.
- D. Once the project is complete, and prior to November 4, 2015, the applicant shall submit a final certification, including photographs from the applicant, that all work has been properly completed in accordance with the approved plans.

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- E. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Zoning Compliance for the new driveway and the grading in the yard, the applicant shall submit verification in writing and/or photographs from the professional designer of the drainage system that all aspects of the pervious asphalt driveway as well as the grading in the yard have been completed in compliance with the approved plans referred to in Condition A, above.
- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes the requirement for a Street Opening Permit from the Darien Public Works Department.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- H. This permit shall be subject to the provisions of Section 858 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (November 4, 2015). This may be extended as per Section 858.

All provisions and details of the plan, as approved, shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within the next sixty days and prior to the start of the driveway work and regrading of the yard.

Chairman Cameron read the following agenda item:

Approval of Minutes

October 7, 2014 Public Hearing/General Meeting

Several minor clarifications and corrections were discussed and agreed to by all. After a brief discussion, the following motion was made: That the Planning & Zoning Commission adopt the minutes as revised. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

October 14, 2014 General Meeting

The following motion was made: That the Planning & Zoning Commission adopt the minutes as presented. The motion was made by Mr. Sini, seconded by Mr. Olvany and unanimously approved.

October 22, 2014 Special Meeting—Town Plan of Conservation & Development

The following motion was made: That the Planning & Zoning Commission adopt the minutes as presented. The motion was made by Mr. Sini, seconded by Mr. Olvany and all voted in favor except Mr. Cunningham, who was not present at the meeting.

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Other Business

The following motion was made: That the Planning & Zoning Commission discuss scheduling under Other Business. The motion was made by Mr. Olvany, seconded by Mr. Sini and unanimously approved.

Mr. Ginsberg explained that the Planning & Zoning Commission will not be meeting on November 11, 2014 because it is Veteran's Day. The next meeting is scheduled for Monday, November 17, 2014 with the Town Plan of Conservation and Development consultant. A subsequent meeting will be held on November 25 which will be a public hearing. An additional meeting might be needed in early December.

Mr. Ginsberg said that the public input sessions will continue to be conducted by Glenn Chalder, the Planning Consultant regarding the Town Plan of Conservation and Development. He said that public input sessions will be held on November 17 and 18 at the Darien Library and at the Sugar Bowl Restaurant on November 18. Commission members can attend any of these input sessions but they are not Commission meetings.

There being no further business, the following motion was made: That the Planning & Zoning Commission adjourn the meeting. The motion was made by Mr. Voigt, seconded by Mr. Sini and unanimously approved. The meeting was adjourned at 9:30 P.M.

Respectfully submitted,

David J. Keating
Planning & Zoning Assistant Director

11.04.2014min